

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 7-20 have been cancelled in favor of new claims 21-27. Support for the subject matter of the new claims is provided for example in cancelled claims 7-20 and in the specification on page 3, lines 20-26, page 7, line 14, through page 9, line 25, page 10, lines 16-27, page 11, lines 1-15, and page 12, line 20, through page 13, line 4. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 7-13 and 18-20 were rejected, under 35 USC §103(a), as being unpatentable over Elliott et al. (US 2004/0022237) in view of Chen et al. (US 2003/0202475). Claims 14 and 15 were rejected, under 35 USC §103(a), as being unpatentable over Elliott in view of Chen and Jankowski (US 4,052,568). Claims 16 and 17 were rejected, under 35 USC §103(a), as being unpatentable over Elliott in view of Chen and Ketcham (US 6,363,429). To the extent that these rejections may be deemed applicable to new claims 21-27, the Applicant respectfully traverses as follows.

Claim 21 recites subject matter of previous claim 15 and defines a base station apparatus that detects a type of a transmission packet based on a generation period of the transmission packet and detects a speech packet as a packet generated in a period equal to or less than a threshold.

It is submitted that the applied references do not disclose the claimed subject matter of detecting, as a speech packet, a transmission packet generated in a generation period equal to or less than a threshold.

The Office Action proposes that Jankowski discloses the above-mentioned subject matter of claim 21 by disclosing a detector that compares a fixed threshold to digitally encoded samples of a signal and characterizes the samples as voice if they are above the threshold (see Office Action, section 43). By contrast to Jankowski's disclosure of comparing signal samples to a threshold, the Applicant's claim 21 recites comparing a packet generation period to a threshold. Jankowski's disclosure of comparing signal samples to a threshold to determine whether the signal is speech or noise provides no indication of the period required to generate a packet. Claim 21 recites determining that a packet contains speech is the period of generation is less than or equal to a threshold. Jankowski's system provides no information of a packet generation period.

Moreover, Jankowski discloses that speech exists if a parameter exceeds a threshold, whereas the Applicant's claimed subject matter determines the existence of a speech packet if a parameter does not exceed a threshold, which is the opposite condition to that disclosed by Jankowski.

Elliott and Chen are not cited in the Office Action for supplementing the teachings of Jankowski with regard to the above-mentioned subject matter distinguishing claim 21 from the teachings of Elliott, Chen, and Jankowski.

Accordingly, the Applicant submits that even if Elliott, Chen and Jankowski were combined as proposed in the Office Action, the result still would lack the above-noted features of

claim 21, and thus, these references, considered individually or in combination, do not render obvious claim 21. Independent claim 25 similarly recites the above-mentioned subject matter distinguishing apparatus claim 21 from the applied references, but with respect to a method. Therefore, allowance of claims 21 and 25 is deemed to be warranted.

Claim 22 recites subject matter of cancelled claim 18 and defines a base station apparatus that adds a transmission delay to a speech packet to be received in a communication terminal apparatus to which an amount of data exceeding a reference data amount is sent.

The Office Action proposes that Elliott discloses this subject matter by disclosing predefined termination points for calls that exceed the capacity of a network (see Office Action, section 26).

However, Elliott discloses terminating a call at a predefined point when the call exceeds the capacity of a network, whereas Applicant's claim 22 recites adding a transmission delay to a speech packet when an amount of data exceeds a reference data amount. Elliott's disclosure of terminating a call does not suggest the claimed subject matter of adding a transmission delay to a packet. And Chen is not cited in the Office Action for supplementing the teachings of Elliott with regard to the above-mentioned subject matter distinguishing claim 22 from Elliott's disclosure.

Moreover, claim 22 recites that the above-mentioned reference data amount is set according to the priority of the communication terminal apparatus that is to receive the data. The Office Action proposes that Chen discloses prioritizing data and issuing a command to cap an amount of generated data (see Office Action, section 27).

However, Chen does not disclose setting a reference data amount according to the priority of a communication terminal apparatus. More specifically, Chen does not disclose that communication terminal apparatuses have various priorities. Instead, Chen discloses that data from data services have various priorities (see Chen paragraph [0008], lines 3-4) and that the transmission of higher-priority data may preempt the transmission of lower-priority data (see paragraph [0008], lines 10-11). Chen's disclosure of preempting the transmission of lower-priority data with higher-priority data bears no resemblance to the claimed subject matter of setting a reference data amount according to the priority of a communication terminal apparatus.

Accordingly, the Applicant submits that even if Elliott and Chen were combined as proposed in the Office Action, the result still would lack features of claim 22 as noted above, and thus, these references, considered individually or in combination, do not render obvious claim 22.

Independent claim 26 similarly recites the above-mentioned subject matter distinguishing apparatus claim 22 from the applied references, but with respect to a method. Therefore, allowance of claims 22 and 26 and dependent claim 23 is warranted.

Claim 24 recites subject matter of cancelled claim 14 and defines a base station apparatus that detects, as a speech packet, a transmission packet generated in a generation period close to a speech packet encoding period.

The Office Action proposes that Jankowski discloses the above-mentioned subject matter of claim 24 by disclosing a detector that compares a fixed threshold to digitally encoded samples of a signal and characterizing the samples as voice if they are above the threshold (see Office Action, section 36). However, Jankowski's disclosure of comparing digitally encoded samples of a signal to a threshold and characterizing the samples as voice if they are above the threshold

bears no resemblance to the claimed subject matter of detecting, as a speech packet, a transmission packet generated in a generation period close to a speech packet encoding period. And Elliott and Chen are not cited in the Office Action for supplementing the teachings of Jankowski with regard to the above-mentioned subject matter distinguishing claim 24 from the teachings of Jankowski.

Accordingly, the Applicant submits that even if Elliott, Chen and Jankowski were combined as proposed in the Office Action, the result still would lack features of claim 24 as noted above, and thus, these references, considered individually or in combination, do not render obvious claim 24. Independent claim 27 similarly recites the above-mentioned subject matter distinguishing apparatus claim 24 from the applied references, but with respect to a method. Therefore, allowance of claims 24 and 27 is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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